

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVID BRESSELSSMITH.

Plaintiff,

Case No. 2:22-cv-02084-GMN-VCF

V.

NDOC, et al.,

Defendants.

ORDER

(ECF No. 13)

8 On June 2, 2023, the Court granted Plaintiff David Bresselsmith’s motion to extend the
9 deadline for him to file an amended complaint to July 17, 2023. (ECF No. 11). Eleven days later,
10 Plaintiff filed a notice informing the Court and the Interested Party that he was choosing not to file
11 an amended complaint, and wanted to proceed to mediation on the claims under the Americans
12 with Disabilities Act (“ADA”) and Rehabilitation Act (“RA”) that the Court permitted to proceed
13 in its March 2, 2023, screening order. (ECF No. 13). The Court notes that the Office of the
14 Attorney General of the State of Nevada has filed a limited notice of appearance for the purpose
15 of settlement discussions. (ECF No. 12).

16 IT IS THEREFORE ORDERED that, considering Plaintiff's notice of intent to proceed
17 (ECF No. 13), the original complaint (ECF No. 6) is Plaintiff's operative pleading, and this action
18 will proceed only on Plaintiff's claims under the ADA and RA against the Nevada Department of
19 Corrections as stated in the Court's March 2, 2023, screening order (ECF No. 5).

20 The parties are reminded that this action has been stayed to allow them an opportunity to
21 settle their dispute before an answer is filed or the discovery process begins. (ECF No. 8). No other
22 pleadings or papers should be filed in this case until the Court lifts the stay. The parties need not
23 respond to any paper filed in violation of the stay unless specifically ordered by the Court to do
24 so. And the Court will enter a separate order scheduling an early mediation conference.

26 DATED THIS 15th day of June 2023.

CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE